



CITY COUNCIL AGENDA REPORT

MEETING DATE: MARCH 18, 2008

ITEM NUMBER:

VIII-2

SUBJECT: REHEARING OF FEBRUARY 19, 2008 AGENDA ITEM – PACIFIC COAST GIRLS FAST-PITCH SOFTBALL “GROUP ONE” FIELD USER STATUS

DATE: MARCH 7, 2008

FROM: ADMINISTRATIVE SERVICES DEPARTMENT / RECREATION DIVISION

PRESENTATION BY: JANA M. RANSOM, RECREATION MANAGER

FOR FURTHER INFORMATION CONTACT: JANA M. RANSOM AT (714) 754-5654

RECOMMENDATION

Per the Council direction at the March 4th City Council meeting, it is recommended that the City Council re-hear the February 19, 2008 request from the Pacific Coast Girls Fast-Pitch Softball Association (PCGFSA) which, with the Parks and Recreation Commission's recommendation, was to designate Pacific Girls Fast-Pitch Softball Association as a "Group One" field user under the Field Use and Allocation Policy.

BACKGROUND

On February 19, 2008, this item was brought to City Council as a Consent Calendar item. Prior to the approval of the Consent Calendar, this agenda item was not pulled for separate consideration. As such, all items not removed from the Consent Calendar were approved. Upon completion of the vote, City Recreation staff and representatives of PCGFSA who were in attendance and prepared to speak to the item left Council Chambers.

Subsequently, a request and motion for a reconsideration/discussion of the PCGFSA agenda item was made. The motion passed and the City Council discussed the item in an open session. The City Council voted to leave PCGFSA a Group 3 User Organization, while granting the group a fee waiver equal to their Costa Mesa residency (61%) until such time as 90% residency is reached when Group 1 status can be granted.

On February 26, 2008 at the request of PCGFSA President, Tim Owen, and Council Member Foley, a request to re-hear the original item was filed. The request for a re-hearing was brought before the City Council as Old Business at the March 4, 2008 meeting. With a 3-2 vote, the request for a re-hearing was approved.

ANALYSIS

Pacific Coast Girls Fast-Pitch Softball Association (PCGFSA) is a non-profit, volunteer driven, recreational youth softball league for girls between the ages of 5 to 16 from the communities of Costa Mesa and Newport Beach. PCGFSA is in its sixth season of affiliation with the Amateur Softball Association (ASA), the national governing body of softball in the United States. The PCGFSA mission is to provide a means for girls of the community to develop, learn, and teach other girls skills, sportsmanship and team leadership through the recreational activity of softball.

PCGFSA meets all the requirements to become a Group 1 field user under the Field Use and Allocation Policy except for having 90% residency. PCGFSA is comprised of 201 girls of which 124 (61%) reside in the city of Costa Mesa. PCGFSA has an open registration process that allows for all skill levels, turns no child away and has an "everyone plays" philosophy.

On their own, the number of Costa Mesa girls enrolled would not be sufficient to have a league. The Parks and Recreation Commission recommended that given this circumstance, along with the number of Costa Mesa girls enrolled in the program, that this program (similar to Newport Harbor Baseball Association and AYSO Region 97 soccer) be granted Group 1 status despite not meeting the resident criterion. Neither Newport Harbor Baseball Association nor AYSO Region 97 meet the resident criterion, but were "grandfathered" in when the Field Use and Allocation Policy was originally implemented in 1999.

PCGFSA has not used Costa Mesa fields since their inception. They have used Newport Beach fields for the past five years. Last year, the group submitted a field request but withdrew it when they were told of the fee. The fields they are requesting are located at TeWinkle Park. At this time, no other organization has requested to use the fields on Saturdays during the day. Occasionally, since the fields were renovated, the fields have been requested for softball tournaments. With the exception of one NMUSD girls' softball event, none of the dates of use were for Costa Mesa resident organizations.

FISCAL REVIEW

Group 3 softball field users are charged \$20/hour per field (without lights) and a flat fee of \$25 for field preparations. Currently, PCGFSA is allocated to use two softball fields on Saturdays from 9:00 a.m. to 5:00 p.m., which totals eight hours of field use for each field. PCGFSA has requested use on 12 Saturdays for the spring 2008 allocation period. The field rental fee per field would total \$185 including field preparation for a total of \$370 each Saturday for both fields. The 12 week total for field rental fees would equal \$4,440.


Based on the March 4, 2008 City Council decision, the league would receive a fee waiver of \$2,708 or \$14 per game, and make a payment to the City of \$1,732 based upon the existing request for field use.

ALTERNATIVES CONSIDERED

None.

CONCLUSION

Per the direction at the March 4, 2008 City Council meeting and the discussion at tonight's Council meeting, the City Council may leave decision as originally approved or provide alternative direction to staff.



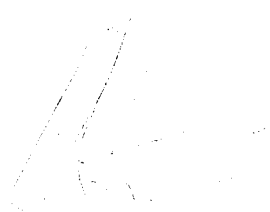
JANA M. RANSOM
Recreation Manager



STEPHEN N. MANDOKI
Director of Administrative Services

DISTRIBUTION: PCGFS President
 Lisa McPherson, Recreation Supervisor
 Michael Brandenburger, Assistant Recreation Supervisor

ATTACHMENTS: A February 19, 2008 Council Report





CITY COUNCIL AGENDA REPORT

MEETING DATE: FEBRUARY 19, 2008

ITEM NUMBER:

SUBJECT: PACIFIC COAST GIRLS FAST PITCH SOFTBALL "GROUP ONE" FIELD USER STATUS**DATE:** FEBRUARY 7, 2008**FROM:** ADMINISTRATIVE SERVICES DEPARTMENT/RECREATION DIVISION**PRESENTATION BY:** JANA M. RANSOM, RECREATION MANAGER**FOR FURTHER INFORMATION CONTACT:** JANA RANSOM AT (714) 754-5654

RECOMMENDATION

The Parks and Recreation Commission recommends that City Council designate Pacific Girls Fast Pitch Softball as a "Group One" field user under the Field Use and Allocation Policy.

Further, if Group One status is approved, the Parks and Recreation Commission recommends that City Council authorize fee waiver for field rentals, field preparation and lights usage for this group.

BACKGROUND

On December 5, 2007 representatives from Pacific Coast Girls Fast Pitch Softball (PCGFS) attended the bi-annual User Groups Three-Six allocation meeting at City Hall. President Tim Owen and Field Representative Mike Perry were in attendance at the meeting. PCGFS (currently a Group Three organization) requested and were allocated two softball fields on Saturdays at the TeWinkle Park Athletic Complex from 9:00 a.m. to 5:00 p.m. beginning February 9 through May 10, 2008. After the meeting, they inquired from staff the process for PCGFS to apply for "Group One" status.

On December 15, 2007, Pacific Coast Girls Fast Pitch Softball President Tim Owen officially submitted a request to be considered for "Group One" status (Attachment A). With this proposal, PCGFS included their non-profit youth group status through the Amateur Softball Association (Attachment B), their State of California non-profit status 501 3c (Attachment C), a list of their board of directors (Attachment D), their certificate of liability insurance and additional insured endorsement (Attachment E) and copies of their enrollment rosters as verification of residency.

PCGFS softball has seen their participant numbers starting to grow in Costa Mesa over the past few years. PCGFS currently uses fields in Newport Beach. The newly renovated fields at TeWinkle Park Athletic Complex provide a great opportunity for the City to partner with a youth girl's fast pitch softball league. Field number three at the TeWinkle Park Athletic Complex was specifically designed to accommodate a girls' softball program.

At the current time, Costa Mesa has no youth girl's softball leagues operating in the city.

ANALYSIS

Pacific Coast Girls Fast Pitch Softball (PCGFS) is a non-profit, volunteer driven, recreational youth softball league for girls between the ages of 5 to 16 from the communities of Costa Mesa and Newport Beach. PCGFS is in its sixth season of affiliation with the Amateur Softball Association (ASA), the national governing body of softball in the United States. The PCGFS mission is to provide a means for all girls of the community to develop, learn, and teach other girls skills, sportsmanship and team leadership through the recreational activity of softball.

PCGFS meets all the requirements to become a Group One field user under the Field Use and Allocation Policy except for having 90% residency. PCGFS is comprised of 201 girls of which 124 (61%) reside in the city of Costa Mesa. PCGFS has an open registration process that allows for all skill levels, turns no child away and has an "everyone plays" philosophy.

On their own, the number of Costa Mesa girls enrolled would not be sufficient to have a league. Staff is recommending that given this circumstance, along with the significant number of Costa Mesa girls enrolled in the program, that this program, similar to Newport Harbor Baseball Association and AYSO Region 97 soccer, be granted Group One status despite not meeting the resident criterion. Neither Newport Harbor Baseball Association nor AYSO Region 97 meet the resident criterion, but were "Grandfathered" in when the Field Use and Allocation Policy were first implemented in 1999.

In September 2004, the California State Assembly Bill No. 2404 was signed and approved by Governor Schwarzenegger adding Section 53080 to the Government Code, relating to discrimination in athletic programs. This law requires that cities, counties and special districts not discriminate against any person on the basis of gender in the operation, conduct or administration of community youth athletic programs and activities or in the allocation of parks and recreation facilities and resources that support or enable these programs and activities.

Assembly Bill No. 2404 also requires that local governmental agencies effectively accommodate the athletic interests and abilities of both genders and that this accommodation shall be assessed by the State in any one of the following ways: 1) The community youth athletics program opportunities for boys and girls are provided in numbers substantially proportionate to their respective numbers in the community; 2) Where the members of one gender have been and are unrepresented in community youth athletics, the local government agency can show a history and continuing of program expansion; and, 3) Where the members of one gender are unrepresented in community youth athletics, the agency can demonstrate that the interests and abilities of the members of that gender have been fully and effectively accommodated by the present program and allocation of resources. Although the effective date on Assembly Bill No. 2404 is not until January 1, 2015, staff believes that this program will help show efforts by the City in meeting the requirements of this law.

FISCAL REVIEW

Group Three softball field users are charged \$20/hour per field (without lights) and flat fee of \$25 for field preparations. Currently, PCGFS is allocated two softball fields on Saturdays from 9:00 a.m. to 5:00 p.m., which totals eight hours of field use for each field. PCGFS has twelve Saturdays allocated in the Spring 2008 allocation period. The field rental fee per field would total \$185 including field preparation for a total of \$370 each Saturday for both fields. The twelve week total for field rental fees would equal \$4,440.

ALTERNATIVES CONSIDERED

Do not approve Pacific Coast Girls Fast Pitch Softball as a "Group One" field user and do not waive fees for field rental, preparation and light use. The group would remain a Group Three user organization.

CONCLUSION

As there are no youth girls' softball programs in Costa Mesa, nor sufficient numbers to field an entire league, the Parks and Recreation Commission recommends that City Council designate Pacific Girls Fast Pitch Softball as a "Group One" field user under the Field Use and Allocation Policy.

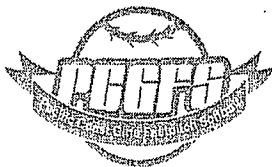
Further, if Group One status is approved, the Parks and Recreation Commission recommends that City Council authorize fee waiver for field rentals, field preparation and lights usage for this group.


JANA M. RANSOM
Recreation Manager


STEPHEN N. MANDOKI
Director of Administrative Services

DISTRIBUTION: PCGFP President
 Lisa McPherson, Recreation Supervisor
 Michael Brandenburger, Assistant Recreation Supervisor

ATTACHMENTS: A Proposal from PCGFS
 B National Non-Profit Status (ASA)
 C California 501 3c Non-Profit Status
 D PCGFS Board of Directors
 E Liability Insurance and Endorsement



ATTACHMENT A

Dec 15th, 2007

Jana Ransom
City of Costa Mesa
Recreation Manager
77 Fair Drive
Costa Mesa, CA 92628

Dear Jana,

It is with great pleasure that I write you for multiple purposes. First of all, after attending the City's Field Allocation meeting, both Mike Perry – Director of Fields for PCGFS - and I were very impressed with your Department's organizational skills and warm welcome manner of which we were treated. We look forward to developing a productive working relationship with you and your staff in an effort to enrich the lives of the girls in your community.

Pacific Coast Girls Fast Pitch Softball is a volunteer driven, not-for-profit, recreational softball league for girls between the ages of 5 to 16 from the communities of Costa Mesa and Newport Beach. PCGFS is in its sixth season of affiliation with the Amateur Softball Association (ASA), the national governing body over softball in the United States. Our mission is to provide a means for all girls of our community to develop, learn, teach other girls the skills, sportsmanship, and team leadership through the recreational activity of softball.

Our registration consists of 201 girls of which 124 (61%) reside in the City of Costa Mesa. I have attached our Spring 2007 Registration for your review. As such, we respectfully ask for your consideration and representation to the City Counsel to grant us a "Group 1" status in regards to field allocation and the benefits related thereto. Additionally, I am attaching a list of our Board of Directors, PCGFS' 501(C) tax status letter, and our Insurance Certificate – specifically listing the City of Costa Mesa.

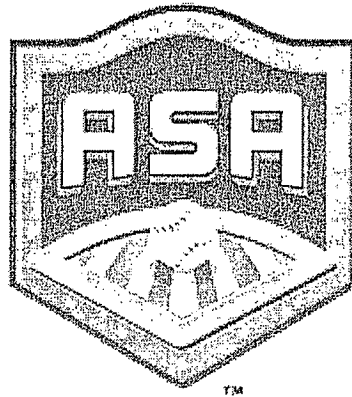
Again, I want to thank and praise Mike and Lisa for their cordiality and thank you for taking the time to review our inquiry for the Parks and Recreation's request to the City Counsel for our potential status rating. If you need further information please feel free to contact either myself (714) 292-5900 or Mike Perry – Director of Fields/PCGFS at (949) 887-0196.

Sincerely,

Tim Owen
President – Pacific Coast Girls Fast Pitch Softball

Cc: Mike Brandenburger
Lisa McPherson

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ASA Youth Program

Welcome to the ASA Youth Program!

The ASA youth program, also known as the Junior Olympic program, is among the nation's largest youth sports organization. Over 80,000 teams, 1.3 million players and 300,000 coaches participate in ASA youth softball on an annual basis. It is the single fastest growing program in the ASA, and has had membership growth every year since its inception in 1974.

The ASA youth program provides recreational and competitive opportunities for boys and girls in both fast and slow pitch. Whether a player views softball as a new sport to learn, as a way to have fun with friends, or as a path to the Olympics, the ASA youth program has something for them. Foremost, the goal of the ASA youth program is to help aspiring young softball athletes learn a sport they can enjoy for a lifetime in a positive, safe, and supportive environment.



STATE OF CALIFORNIA
FRANCHISE TAX BOARD
PO BOX 1286
RANCHO CORDOVA CA 95741-1286

In reply refer to
755:G :AMC

August 1, 2007

PACIFIC COAST GIRLS FASTPITCH SOFTBALL
PO BOX 1354
NEWPORT BEACH CA 92659-0354

Purpose : CHARITABLE/EDUCATIONAL
Code Section : 23701d
Form of Organization : Corporation
Accounting Period Ending: July 31
Organization Number : 2361476

You are exempt from state franchise or income tax under the section of the Revenue and Taxation Code indicated above.

This decision is based on information you submitted and assumes that your present operations continue unchanged or conform to those proposed in your application. Any change in operation, character, or purpose of the organization must be reported immediately to this office so that we may determine the effect on your exempt status. Any change of name or address must also be reported.

In the event of a change in relevant statutory, administrative, judicial case law, a change in federal interpretation of federal law in cases where our opinion is based upon such an interpretation, or a change in the material facts or circumstances relating to your application upon which this opinion is based, this opinion may no longer be applicable. It is your responsibility to be aware of these changes should they occur. This paragraph constitutes written advice, other than a chief counsel ruling, within the meaning of Revenue and Taxation Code Section 21012(a)(2).

You may be required to file Form 199 (Exempt Organization Annual Information Return) on or before the 15th day of the 5th month (4 1/2 months) after the close of your accounting period. Please see annual instructions with forms for requirements.

You are not required to file state franchise or income tax returns

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August 1, 2007
PACIFIC COAST GIRLS FASTPITCH SOFTBALL
ENTITY ID : 2361476
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unless you have income subject to the unrelated business income tax under Section 23731 of the Code. In this event, you are required to file Form 109 (Exempt Organization Business Income Tax Return) by the 15th day of the 5th month (4 1/2 months) after the close of your annual accounting period.

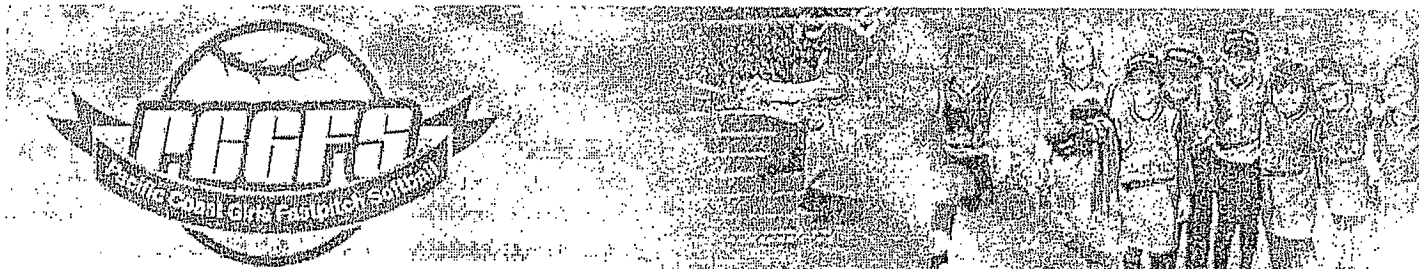
Please note that an exemption from federal income or other taxes and other state taxes requires separate applications.

A copy of this letter has been sent to the Registry of Charitable Trusts.

A CHAMPLIN
EXEMPT ORGANIZATIONS
BUSINESS ENTITIES SECTION
TELEPHONE (916) 845-4053
FAX NUMBER (916) 843-0710

EO :
CC : SUSAN E. GRAHAM


COPY



HOME EVENTS SCHEDULES TEAMS COACHES ABOUT US REGISTER

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Board Of Directors

Name	Position
Tim Owen	President
Brian Marshall	Vice-President Player Agent
Kelly Kohl	Team Parent Coordinator
Ed Leyba	CFO/Treasurer
Tom Blanchfield	Director of Registration
Tania McKeown	Secretary - Non Voting
Mike Gandi	Director of Equipment
Chip Graham	Umpire-in-Chief
Mickey Harris	Director of Corporate Fundraising and Marketing
Michael Perry	Director of Fields
Matt Castille	Web Master


ACORD™ CERTIFICATE OF LIABILITY INSURANCE		11/16/2007
PRODUCER Bollinger, Inc. 101 JFK Parkway Short Hills, NJ 07078-5000 Phone No. 800-526-1379 Fax No. 973-921-2876		THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.
INSURED Amateur Softball Association and Members of Southern California ASA JO Indiv Reg Program D. Stephen Monson 6850 Brockton Avenue Suite 210 Riverside, CA 92506		INSURERS AFFORDING COVERAGE INSURER A: Markel Insurance Company INSURER B: Markel Insurance Company INSURER C: INSURER D: INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.						
INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY	3602AH230069	01/01/08	01/01/09	EACH OCCURRENCE	\$ 2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire)	\$ 300,000
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person)	\$ 10,000
	<input checked="" type="checkbox"/> Participant Liab				PERSONAL & ADV INJURY	\$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:				GENERAL AGGREGATE	\$ 5,000,000
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				PRODUCTS - COMP/OP AGG	\$ 2,000,000
	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	\$
	<input type="checkbox"/> HIRED AUTOS					
	<input type="checkbox"/> NON-OWNED AUTOS					
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$
	<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC	\$
					AUTO ONLY: AGG	\$
	EXCESS LIABILITY				EACH OCCURRENCE	\$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE	\$
	Umbrella Form					\$
	<input type="checkbox"/> DEDUCTIBLE					\$
	RETENTION \$					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS	OTH-ER
					E.L. EACH ACCIDENT	\$
					E.L. DISEASE - EA EMPLOYEE	\$
					E.L. DISEASE - POLICY LIMIT	\$
B	OTHER Accident Medical Full Excess	4102AH220317	01/01/08	01/01/09	Med Max.	\$250,000

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

Coverage applies to liability of the named insured arising out of the administration, play or practice of amateur softball. Certificate holder is named as an additional insured. This certificate is issued on behalf of: Pacific Coast Girls Fastpitch Softball

CERTIFICATE HOLDER	ADDITIONAL INSURED; INSURER LETTER:	CANCELLATION
City of Costa Mesa		SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.
		AUTHORIZED REPRESENTATIVE 

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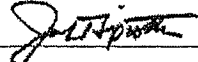
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY

**ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION FOR
AMATEUR SOFTBALL ASSOCIATION OF AMERICA ACTIVITIES**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

Named Insured: Amateur Softball Association and Members of Southern California ASA JO Indiv Reg Program City of Costa Mesa		
Policy Number 3602AH230069	Policy Period 01/01/08 - 01/01/09	Endorsement Effective Date As shown on the attached Certificate of Insurance
Issued By MARKEL INSURANCE COMPANY		Authorized Representative 

The above information is required only when this endorsement is prepared after the policy is issued

SCHEDULE

Name of Person or Organization:

As Show on the Attached Certificate of Insurance

A. The following is added to Section II - WHO IS AN INSURED:

The person or organization shown in the above SCHEDULE but only with respect to liability arising out of the organization, promotion, administration and conduct of amateur softball activities, including games, practices, tournaments, and fund-raising activities, under the rules of the Amateur Softball Association of America, provided:

- a. That if the person or organization is designated as a Team, the person or organization so designated shall be deemed to include team members, managers, coaches, assistants, batboys, registered scorekeepers, sponsors, any other individual participating in the official functions of the team, and if so indicated, a Field Owner, but only for liability arising out of the designated Team's amateur softball activities covered under this policy;
- b. That if the person or organization is designated as a League, the interest of the League shall not be included unless all teams in the League purchase this insurance.

When the interest of the League is so included, the person or organization designated as a League shall be deemed to include all teams in the league and team members, managers, coaches, assistants, batboys, registered scorekeepers, sponsors, any other individual participating in the official functions of the League or of any such teams, and if so indicated, a Field Owner, but only for liability arising out of the designated League's amateur softball activities covered under this policy;

All other terms and conditions of this policy remain unchanged.

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